

REMARKS

The above amendment to the Abstract with the following remarks is submitted to be fully responsive to the Official Action of October 6, 2003. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-5 and 7-13 were pending in the present application and since no amendments to the claims are made herein, claims 1-5 and 7-13 are still pending in the present application and are believed to be in proper condition for allowance.

Referring now to the Office Action, the Abstract was objected to because of the improper length of less than 50 words. In response, the Abstract has been amended herein to address the Examiner's objection. Therefore, the withdrawal of this objection is respectfully requested.

Referring again to the Office Action, claims 1-5 and 7-13 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,704,836 to Codd. The Applicant respectfully disagrees for the reasons set forth below.

In the Office Action, the Examiner asserts that "Codd teaches a longitudinal tube comprising a crushed region (13) on opposed portions of an end of the tube which are crushed together to abut each other to define a flat land (13) to be capable to receive a fixing element (17), and a longitudinally extending non-crushed regions (14) located laterally either side of the crushed region to define ribs/sub-tubes (12) on lateral sides of the crushed region".

In view of the rejection, it appears that the Examiner has not fully appreciated the teachings of Codd. Codd discloses a space frame in which a longitudinal chord (10) is crossed perpendicularly by a lateral chord (11), both chords being flattened, and therefore, widened at the node. (See Col. 2, lines 24-27). The longitudinal chord (10) and the lateral chord (11) are continuous and do not terminate at the node as clearly shown in Figure 3 that illustrates a section of the continuous longitudinal chord (10) and continuous lateral chord (11). Codd further teaches an arrangement in which 4 oblique struts (14) are bolted on top of the crossing longitudinal chord (10) and lateral

chord (11). The ends of the oblique struts (14) are mitred or cut away at an angle of about 45 degrees from both sides as most clearly shown by the broken line in Figure 1. (See Fig. 1 and Col. 2, lines 38-40).

In the above section of the Office Action, the Examiner asserts that Codd teaches "a longitudinal tube comprising a crushed region (13) on opposed portions of an end of the tube". However, as pointed out, the longitudinal chord (10) and lateral chords (11) are both continuous and therefore do not have ends. Only the oblique struts (14) have ends which are mitred away at 45 degrees.

The Examiner also asserted that the longitudinal tube of Codd defines "longitudinally extending non-crushed regions (14) located laterally either side of the crushed region to define ribs/sub-tubes (12) on lateral sides of the crushed region". It is respectfully submitted that the Examiner's assertion is improper in that reference numeral (14) is used in Codd to refer to the oblique struts (14). Thus, Codd does not disclose an arrangement in which the end of a tube is crushed centrally to define two lateral non-crushed regions as provided in the present invention. Rather, the entire width of the longitudinal chord (10), lateral chord (11) and oblique struts (14) are crushed so as to be entirely flat without any remaining lateral non-crushed regions. This teaching of Codd is best illustrated in Figures 3 and 4 of the cited reference. Based on the specification of Codd, it is clear that none of the crushed members disclosed in Codd have an end view or a cross section corresponding to the embodiment of present invention as most clearly shown in Figure 8 of the present application in which non-crushed sub-tubes are positioned on either side of the central crushed region as required by the present claims.

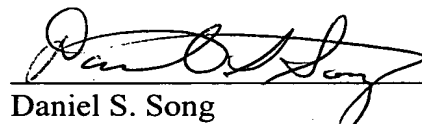
In addition, the present claims further distinguish over the cited Cobb reference in that Cobb fails to disclose sub-tubes described in the present application and recited in the claims. In particular, the sub-tubes are defined in the claims as being opposed lateral portions which do not abut, but rather, define the recited sub-tubes. With reference to Cobb, the Applicant respectfully contends that it would be improper to construe the uncrushed portion 16 of the tube on either side of crushed portion 13 as a sub-tube rather than the tube itself. Moreover, even if such interpretation is adopted,

such uncrushed portions of the tube are not defined by opposed lateral portions of the tube as claimed in the present application, but rather by opposed longitudinal portions.

Finally, when the tube of the present invention is fastened to a planar surface, the tube is deformed in that the ribs or sub-tubes (20) are deformed upwardly in wing-like manner by virtue of the engagement of the underside of the tube with the planar surface. (See Page 4, lines 1-7). It will be appreciated that upward wing-like deformation of the sub-tubes occurs under load, i.e. when the bolt is under tension as it is tightened. This results in a secure joint which has been found to be far superior to the fully crushed arrangement as taught, for example, in the Codd reference.

As discussed in detail above, the cited Codd reference does not "teach every aspect of the claimed invention" as required under 35 U.S.C. § 102. (See MPEP § 2131). Thus, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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